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EXAMINER

REID, CHERYL M

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/981,317

Applicant(s)

WEN ET AL.

Examiner

Cheryl M. Reid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-43 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1- 43 are objected to because of the following informalities: Applicant failed to followed the suggested format for claims with a plurality of elements or steps. Appropriate correction is required. For clarity regarding claims 1- 43, applicant is suggested to format the claims in accordance with 37 CFR1.75. See 37 CFR/175 MPEP 608. *Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.* There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR1.75 and MPEP 608.01 (i)-(p).

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**3. Claims 1, 3-5,6,9,10,12,13,14,15,19,20,21,23, 24, 30 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Marwell et al (US 6404884) hereinafter Marwell.**

4. In regards to claim 1, Marwell teaches of : causing a list of destinations for a second communication session to be presented at said first device of said agent (Col 4, lines 60-65, Col 8, lines 5-14); receiving a selection of a selected destination from said list of destinations for said second communication session at said first device (Col 8, lines 25-30); causing a request to transfer said second device of said customer to said second communication session to be sent to said selected destination; and causing second communication session information to be sent to said second device (Col 8, lines 43-47, Col 10, lines 55-60).

5. In regards to claim 13, Marwell teaches of : causing a list of destinations for a second communication session to be presented at said first device of said agent (Col 4, lines 60-65, Col 8, lines 5-14); receiving a selection of a selected destination from said list of destinations for said second communication session (Col 8, lines 25-30); causing second communication session information to be obtained for said selected destination; and causing said second communication session information to be sent to said second device of said customer (Col 10, lines 55-60).

6. In regards to claim 3, Marwell teaches of the step of receiving said second communication session information from said selected destination (fig 3, step 32).

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7. In regards to claim 4, Marwell teaches of receiving an identification code for said second communication session from said selected destination (Col 9, lines 25-30).

8. In regards to claim 5, Marwell teaches of causing a destination address for said second communication session to be sent to said second device (Col 10, lines 55-60) wherein the destination address is the contact number dial string.

9. In regards to claim 6 and 14, Marwell teaches of causing a destination address (Col 10, lines 55-60) wherein the destination is the contact number dial string and said identification code (Col 9, lines 25-27) to be sent to said second device.

10. In regards to claim 9, Marwell teaches of the step of causing a request to create said second communication session (Col 8, lines 25-30) to be sent to said selected destination (Col 10, lines 55-60).

11. In regards to claim 10, Marwell teaches of the steps of causing a request to create said second communication session to be sent to said selected destination (Col 8, lines 25-30, Col 10, lines 55-60), and causing termination of said first communication session (Col 10, lines 63-64).

12. In regards to claim 12, 15 and 23 Marwell teaches of said second communication session is established and said second device is connected to said second communication session (Col 10, lines 55-60).

13. In regards to claim 19, Marwell teaches of causing a request for a second communication session to be established to be sent to said selected destination (Col 10, lines 55-60).

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14. In regards to claim 20, Marwell teaches of causing first communication session information to be created and, after said step of receiving a selection(Col 8, lines 26-27), further comprising causing said first communication session information to be sent to said selected destination (Col 8, lines 25-30, Col 9, lines 25-30) wherein session info is user's telephone id, etc.

15. In regards to claim 21, Marwell teaches of causing a request for a transfer and identification information to be sent to said selected destination, receiving an address for said second communication session from said destination, and causing said address to be sent to said second device (Col 8, lines 25-35, Col 10, lines 45-60).

16. In regards to claim 24, Marwell teaches of: receiving a request from the first device of said agent to transfer said second device of said customer to a second communication session(Col 8, lines 43-47); causing a warm transfer page to be created for said second communication session, wherein the warm transfer page is the call completion data; causing said warm transfer page to be sent to said second device; and causing a requested connection of said second device to said warm transfer page to be accepted(Col 10, lines 55-60).

17. In regards to claim 30 and 40, Marwell teaches of : receiving a request from the first device of a agent to transfer said second device of the customer to a second communication session (Col 8, lines 43-47); causing a second communication session to be created; and causing a connection of said second device to said second communication session to be accepted (Col 10, lines 55-60).

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**18. Claim 34,37,39 are rejected under 35 U.S.C. 102(e) as being anticipated by McCalmont (US 6215865).**

19. In regards to claim 34, McCalmont teaches of: receiving first communication session information from said intermediate device (Col 10, lines 25-30) wherein intermediate device is the ACD; causing a second communication session to be created (Col 10, lines 40-45); causing said second device to be connected to said destination device via said second communication session (Col 10, lines 45-54); causing said first communication session information to be associated with said second communication session (Col 10, lines 33-36, 50-53) wherein the caller identifier of first session is associated with the second session (i.e. server sends call identifier of first session to second session); causing said second communication session to be terminated without disconnecting said second device of said customer from said destination device (Col 1, lines 47-51); when a third device of a second agent becomes available for connection to said second device, causing a third communication session to be created; and causing said second device and said third device to be connected via said third communication session (Col 6, lines 27-46).

20. In regards to claim 37, McCalmont teaches of: receiving first communication session information from said intermediate device (Col 10, lines 25-30); causing a second communication session to be created (Col 10, lines 40-44); causing said second device of the customer to be connected to said second communication session (Col 10, lines 60-65); causing said first communication session information to be associated with said second communication session (Col 10, lines 33-36, 50-53) wherein the caller

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identifier of first session is associated with the second session (i.e. server sends call identifier of first session to second session); when a third device of a second agent becomes available for connection to said second device, causing said first communication session information to be sent to said third device, and causing said second device and said third device to be connected via said second communication session (Col 6, lines 27-46).

21. In regards to claim 39, McCalmont teaches of : causing a list of destinations to be provided to said first device of said agent (Fig 3b, item 301); receiving a selection of a destination from said first device (Fig 3b, item 301); causing a request for transfer of said first device and first communication session information to be sent to said destination (Col 6, lines 27-30, Col 10, lines 33-36,50-54) wherein the first communication information is the caller identifier; causing a list of allowed communication sessions of said destination device to be provided to said first device (Fig 3b, item 301); receiving a selected communication session from said list of allowed communications sessions from said first device (Fig 3b, item 301); causing first session communication information to be provided to said destination (Col 6, lines 27-30, Col 10, lines 33-36,50-54) wherein the first communication information is the caller identifier ; causing a second communication session to be created at said destination (Col 10, lines 60-64); and causing said second device of said customer to be connected to said second communication session via said destination (Col 10, lines 60-64) .



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***22. Claim 2 ,7,8,16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marwell as applied to claim 1 above, and further in view of McCalmont.***

23. In regards to claim 2, Marwell does not explicitly teach of this limitation.

McCalmont teaches of prior to said step of causing a list of destinations to be sent, further comprising the step of receiving a request to transfer said second device to a second communication session(Col 4, lines 25-30). See claim 7 for motivation.

24. In regards to claim 7, Marwell teaches of sending session communication information (fig 3, item 46) but is silent in regards to sending a notice of transfer.

McCalmont teaches of sending a notice of transfer (reason for transfer) (Col 8, lines 1-5, Fig 3b). It would have been obvious to one of ordinary skill in the art at the time of invention to utilize McCalmont's teaching of also sending a notice of transfer because this would result in a more efficient system as discussed by McCalmont (Col 2, lines 5-10). One of ordinary skill in the art at the time of invention would have been motivated because a more efficient customer service system would result in increase customer satisfaction which is desirable as discussed by McCalmont (Col 1, lines 54-65).

25. In regards to the first limitation of claim 8, refer to claim 7. In regards to the additional limitation: causing a destination address for said second communication

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session to be sent to said second device, Marwell teaches on this aspect (Col 10, lines 55-60) wherein the destination address is the contact number dial string. See claim 7 for motivation.

26. In regards to claim 16 - 18 , Marwell teaches of causing said second communication session to be established using said second communication session information (Col 10, lines 55-60) but does not explicitly teach of causing a third device to be connected to said second communication session; and causing said first communication session information to be sent to said third device. McCalmont teaches on these aspects. McCalmont teaches of causing a third device to be connected to said second communication session (Col 6, lines 25-35) wherein the third device is transferring call to another CSR and causing said first communication session information to be sent to said third device (Col 6, lines 27-30, Col 10, lines 33-36, 50-54). See claim 7 for motivation.

**27. Claims 11, 22, 26, 27, 28, 29, 31-33, 41-42, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marwell as applied to claims 13 and 24 above, and further in view of Kannan (US 20010054064) hereinafter Kannan.**

28. In regards to claim 11, Marwell does not explicitly teach of these limitations. Kannan teaches of request to transfer to be sent to said selected destination (par. 93, lines 4-6), receiving permission to transfer said second device to said selected destination (par. 173, line 1), receiving a destination address (par. 96, lines 1-3) and a notice to transfer from said first device (par. 198, line 5), and sending at least said

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destination address as said second session communication information to said second device (par. 99, lines 1-5). See claim 7 for motivation

29. In regards to claim 22, Marwell does explicitly teach of the limitations of claim 22. Kannan teaches on these aspects. Kannan teaches of causing a request for a transfer (par. 173, line 1) and identification information to be sent to said selected destination (par. 95, lines 5-6), receiving an authorization code from said destination (par. 87, lines 1-3), sending communication transfer information (par. 126, lines 4-6) and said authorization code to said destination (par. 87, lines 3-5), receiving a communication transfer identification code (par. 126, lines 4-6) and a destination address from said destination (par. 136, lines 8-9), and causing said destination address and a notice to transfer said first communication (par. 136, lines 8-9) to be sent to said intermediate device (fig. 6, items 501 and 621). See claim 7 for motivation.

30. In regards to claim 26, With respect to claim 26, Kannan teaches of wherein said step of causing said warm transfer page to be created comprises causing

31. said warm transfer page to include a destination address (fig. 6, item 616). See claim 7 for motivation.

32. In regards to claim 27, Kannan teaches wherein said step of causing said warm transfer page to be created comprises causing said warm transfer page to include an identification code (par. 126, lines 4-6). See claim 7 for motivation.

33. In regards to claim 28, Kannan teaches prior to said step of causing said requested connection to be accepted, further comprising the step of causing an

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application file to be sent to said second device for causing said second device to request said connection (par. 85, lines 1-3). See claim 7 for motivation.

34. In regards to claim 29, Kannan teaches prior to the step of causing said warm transfer page to be created, further comprising the steps of: receiving a request for said second communication session (par. 93, lines 1-3), causing a determination as to whether said second communication session is authorized (par. 173, line 1); and when said second communication session is authorized, accepting a transfer notice and a destination address from said first device (par 193, lines 6-7, par 136, lines 8-9). See claim 7 for motivation.

35. In regards to claim 31, Kannan teaches of causing a determination as to whether said request is authorized(par 173, line 1); when said request is authorized then causing a list of allowed communication sessions to be determined; causing said list of allowed communication sessions and an authorization code to be provided to said first device (par 136, lines 8-9); and receiving a selection of an allowed communication session for said second communication session(par 96, lines 1-3). See claim 7 for motivation.

36. In regards to claim 32, Kannan teaches of causing a transfer page for said second communication session to be created (par. 99, line 9), causing said transfer page to be sent to said second device (par. 99, lines 8-11), and wherein said step of causing a connection of said second device to said second transfer communication session to be accepted comprises causing a connection of said second device to said transfer page to be accepted (par. 99, lines 8-11). See claim 7 for motivation.

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37. In regards to claim 33, Kannan teaches of causing a determination as to whether said request is authorized (par. 173, line 1 ); when said request is authorized, a list of allowed communication sessions to be determined(par 136, lines 8-9); causing said list of allowed communication sessions and an authorization code to be provided to said first device(par 136, lines 8-9), receiving a selection of an allowed communication session for said second communication session(par 96, lines 1-3), and causing first communication session information to be accepted; and after said step of causing a second communication session to be created, said method further comprises the steps of: causing a transfer page for said second communication session to be created (par 99, line 9), causing said transfer page to be sent to said second device(par 99, lines 8-11), and wherein said step of causing a connection of said second device to said second transfer communication session to be accepted comprises causing a connection of said second device to said transfer page to be accepted (par 99, lines 8-11). See claim 7 for motivation.

38. In regards to claim 41, Kannan teaches of causing a destination address for said second communication session to be determined (par. 136, lines 8-9)., and causing said second device to be directed to said destination address (par. 137, line 1). See claim 7 for motivation.

39. In regards to claim 42, Kannan teaches of causing a destination address for said second communication session to be determined (par. 136, lines 8-9)., and causing an Internet browser program of said second device to be updated with said destination address (par. 137, line 1). See claim 7 for motivation.

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40. In regards to claim 43, Kannan teaches of causing a destination address for said second communication session to be determined (par. 136, lines 8-9), causing a destination address and an identification code for said second communications session to be sent to said second device (par. 87, line 4)., and causing a log-in of said second device at said destination address using said identification code (par. 137, lines 3-4).

See claim 7 for motivation.

**41. Claim 25 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marwell as applied to claim 24 above, and further in view of Judson (US 6185586) hereinafter Judson.**

42. In regards to claim 25, Marwell does not explicitly teach of causing said warm transfer page to include an embedded refresh. Judson teaches on this aspect. Judson discloses that it is known that web pages include embedded refresh or reload functions (fig. 4). Kannan and Judson are analogous art because they are both from the same field of endeavor of computer networks. At the time of invention, it would have been obvious to one of ordinary skill in the art to provide Kannan's warm transfer page with an embedded refresh function, as taught by Judson. The motivation for doing so would have been to allow Kannan's warm transfer page to have the option of being updated if any changes to the data occur. Therefore, it would have been obvious to combine Judson with Kannan for the benefit of data update capability to obtain the invention as specified in claim 25.

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43. In regards to claim 38, Marwell teaches of receiving a destination address (Col 10, lines 55-60) wherein the destination is the contact number dial string and an identification code (Col 9, lines 25-30); causing said destination address to be inserted in an Internet web browser (Col 17, lines 44-46); and when said second device of the customer is connected to said destination address, causing said identification code to be sent to said destination address (Col 9, lines 20-40). Marwell does not explicitly teach of causing a refresh command to be executed for said browser. Judson teaches on this aspect ((fig. 4). See claim 25 for motivation.

**44. *Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCalmont as applied to claim 34 above, and further in view of Kannan.***

45. In regards to claim 35, Kannan teaches of receiving a request to transfer said second device to said second communication session from said intermediate device (par 93, lines 1-2, fig 6, item 621); causing a determination as to whether said request to transfer should be authorized (par 171, lines 1-2); when said request to transfer is authorized, causing a first authorization code to be sent to said intermediate device; receiving a request to connect to said second communication and a second authorization code from said intermediate device; and if said second authorization code corresponds to said first authorization code then beginning said step of receiving first communication session information (par 93, lines 1-2, par 87, lines 3-5, fig 6, item 612). See claim 7 for motivation.

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46. In regards to claim 36, Kannan teaches of causing said second device and said third device to be connected via said third communication session comprises causing an instruction to be created which causes said second device to request to be connected to said third communication session (par. 145, lines 1-2), connecting said third device to said third communication session (par 145, lines 1-2), and connecting said second device to said second communication session (par. 145, lines 5-6). See claim 7 for motivation.

### ***Conclusion***

47. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr



**ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER**